

EXHIBIT C

JOSEPH WHITEMORE

June 1, 2006

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

C.A. NO. 04-11842-PBS

* * * * *

SCOTT RODGERS,

*

Plaintiff

*

vs.

*

CORRECTION OFFICER ORCHID,

*

UNKNOWN CORRECTION OFFICER JOHN

*

DOE, JOE WHITMORE, DR. HOWARD,

*

JOHN SMITH, PLYMOUTH COUNTY,

*

Defendants

*

* * * * *

DEPOSITION OF JOSEPH A. WHITEMORE

HRONES, GARRITY & HEDGES

Lewis Wharf Bay, Suite 232

Boston, Massachusetts

June 1, 2006 11:15 a.m.

Maryellen Coughlin

Registered Professional Reporter

CATUOGNO COURT REPORTING SERVICES

Springfield, MA Worcester, MA Boston, MA Lawrence, MA Providence, RI

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1 MR. BREEN: Objection.
 2 A. Anywhere between probably four to
 3 seven days a week.
 4 Q. How many hours per day?
 5 A. I don't know.
 6 Q. Approximately?
 7 A. If I had to guess --
 8 MR. BREEN: Just tell him what you
 9 know.
 10 A. I don't know.
 11 Q. What about in 2001, how many days a
 12 week was he there?
 13 A. I don't know. Most every day.
 14 Q. You're an employee of Plymouth
 15 County, right?
 16 A. Correct.
 17 Q. Do you have any type of employment
 18 contract or --
 19 A. No.
 20 Q. You're just a standard employee?
 21 A. (Witness nods.)
 22 Q. Right?
 23 A. Right.
 24 Q. What about Dr. Howard?

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1 A. He's a contractor.
 2 Q. Does he work for a company or does
 3 he work on his own?
 4 A. He works on his own.
 5 Q. Do you know the nature of the
 6 relationship, contractual relationship at all?
 7 A. No.
 8 Q. Do you know where he went to
 9 medical school?
 10 A. Yale.
 11 Q. College?
 12 A. Yale, I think.
 13 Q. How old is he?
 14 A. I don't know. 60, 65.
 15 Q. Have you had any discussions with
 16 him at any time about Scott Rodgers?
 17 A. Yes.
 18 Q. When?
 19 A. After he was sent out.
 20 Q. Can you describe that conversation?
 21 A. I don't really recall the
 22 conversation.
 23 Q. Do you remember any part of it?
 24 A. No. Just that we touched base, you

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1 know, that he was in the hospital or that he was
 2 coming back or whatever and he's okay.
 3 Q. Do you remember anything else about
 4 the conversation?
 5 A. No.
 6 Q. Was that the only time that you
 7 talked about Scott Rodgers?
 8 A. We talked about it a little bit
 9 just recently, just the fact that we were both
 10 being deposed.
 11 Q. What was said in that conversation?
 12 A. I said -- nothing specifically
 13 other than I had to come here on Thursday and the
 14 time and are you coming as well.
 15 Q. And what did he say?
 16 A. He said he wasn't sure.
 17 Q. But he received the notice of
 18 deposition --
 19 MR. BREEN: Objection.
 20 Q. -- according to what he said to
 21 you?
 22 A. He knew about the deposition, that
 23 I was being deposed at least.
 24 Q. Did he say anything about why he

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1 doesn't have a lawyer?
 2 MR. BREEN: Objection.
 3 A. No.
 4 Q. Did you talk about anything else
 5 other than the fact that you both had to come
 6 here this afternoon?
 7 A. No.
 8 Q. How did he seem to you when you
 9 discussed it? What were your observations of his
 10 demeanor?
 11 A. Just like he always is. He didn't
 12 seem particularly --
 13 Q. How is he always?
 14 A. He's a nice guy. He's funny. He's
 15 personable. He didn't seem flustered or worried.
 16 Q. But you've never talked about
 17 depositions with him prior to this?
 18 A. No.
 19 Q. So you don't know if he's ever been
 20 deposed before?
 21 A. I have no idea.
 22 Q. Okay. I think that's it.
 23 MR. BREEN: Just give me a minute.
 24 (Discussion off the record.)

21 (Pages 78 to 81)

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JOSEPH WHITTEMORE**June 1, 2006**

Page 86		Page 88	
1	CERTIFICATE	1	CORRECTION SHEET
2	I, Maryellen Coughlin, a Registered	2	DEPONENT: JOSEPH A. WHITTEMORE
3	Professional Reporter and Notary Public of the	3	CASE: SCOTT RODGERS VS. CORRECTION OFFICER
4	State of Massachusetts, do hereby certify that	4	ORCHID, ET AL
5	the foregoing is a true and accurate transcript	5	DATE TAKEN: 6/1/06
6	of my stenographic notes of the deposition of	6	*****
7	JOSEPH A. WHITTEMORE. Who appeared before me,	7	PAGE / LINE / CHANGE OR CORRECTION AND REASON
8	satisfactorily identified himself, and was by	8	/ /
9	me duly sworn, taken at the place and on the	9	/ /
10	date hereinbefore set forth.	10	/ /
11	I further certify that I am neither	11	/ /
12	attorney nor counsel for, nor related to or	12	/ /
13	employed by any of the parties to the action in	13	/ /
14	which this deposition was taken, and further	14	/ /
15	that I am not a relative or employee of any	15	/ /
16	attorney or counsel employed in this case, nor	16	/ /
17	am I financially interested in this action.	17	/ /
18	THE FOREGOING CERTIFICATION OF THIS	18	/ /
19	TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF	19	/ /
20	THE SAME BY ANY MEANS UNLESS UNDER THE DIRECT	20	/ /
21	CONTROL AND/OR DIRECTION OF THE CERTIFYING	21	/ /
22	REPORTER.	22	/ /
23		23	/ /
24	MARYELLEN COUGHLIN, RPR	24	/ /

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1	UNITED STATES DISTRICT COURT	1	Today's Date: July 31, 2006
2	DISTRICT OF MASSACHUSETTS	2	To: William P. Breen, Jr., Esq.
3	C.A. NO. 04-11842-PBS	3	Copied to: Michael Tumposky, Esq.
4		4	Robert F. Sullivan, Esq.
5	*****	5	From: Maryellen Coughlin, RPR
6	SCOTT RODGERS, *	6	Deposition of: Joseph A. Whittemore
7	Plaintiff *	7	Taken: June 1, 2006
8	vs. *	8	Action: Scott Rodgers vs. Correction
9	CORRECTION OFFICER ORCHID, *	9	Officer Orchid, et al
10	UNKNOWN CORRECTION OFFICER JOHN *	10	
11	DOE, JOE WHITMORE, DR. HOWARD, *	11	Enclosed is a copy of Mr. Whittemore's
12	JOHN SMITH, PLYMOUTH COUNTY, *	12	deposition. Pursuant to the Rules of Civil
13	Defendants *	13	Procedure, Mr. Whittemore has thirty days to
14	*****	14	sign the deposition from today's date.
15		15	Please have Mr. Whittemore sign the
16	I, JOSEPH A. WHITTEMORE, do hereby	16	enclosed signature page. If there are any
17	certify, under the pains and penalties of	17	errors, please have him mark the page, line, and
18	perjury, that the foregoing testimony is true	18	error on the enclosed correction sheet. He
19	and accurate, to the best of my knowledge and	19	should not mark the transcript itself. This
20	belief.	20	addendum should be forwarded to all interested
21	WITNESS MY HAND THIS ____ day of	21	parties.
22	_____, 2006.	22	Thank you for your cooperation in this
23		23	matter.
24	JOSEPH A. WHITTEMORE	24	

23 (Pages 86 to 89)

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